

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20181 of 2017

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 2nd respondent in promoting the 3rd respondent who is not an approved probationer in the feeder category of Assistant Commissioner as Deputy Commissioner of Endowments *vide* impugned Proceedings in Rc.No.A1/11437/2016, dated 24.05.2017 without finalizing the objections submitted by the petitioner to the provisional seniority list communicated by the 2nd respondent *vide* proceedings in Rc.No.A1/3585/2014 dated 31.10.2015 and ignoring the claims of the petitioner who is an approved probationer, as being erroneous, irrational, arbitrary, illegal, contrary to the provisions of Rule 3 of the A.P Charitable and Hindu Religious Institutions and Endowments Service Rules, 2002 notified in G.O.Ms.No.245, dated 08.05.2002 as amended from time to time and the provisions of Rule 8 of the T.S State and Subordinate Service Rules, and in violation of Articles 14 and 16 of the Constitution of India and consequently hold that the petitioner is entitled to be considered and promoted as Deputy Commissioner of Endowments with all consequential benefits in accordance with Rule 8 of the T.S State & Subordinate Service Rules and the directions issued by this Hon'ble Court in W.V.M.P No.321, 322, 323 of 2014 and 789 of 2013 in W.P.M.P No.2524 of 2013 in W.P.No.2076 of 2013, dated 24.04.2014 and to pass such other order or orders as

this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri V.Ravichandran, learned counsel appearing for the petitioner, and learned Government Pleader for Services-II appearing for the respondents.

The petitioner is working as Assistant Commissioner of Endowments and his probation was also declared. The grievance of the petitioner is that though he was promoted as Deputy Commissioner of Endowments on adhoc basis, the respondents are not considering his case for promotion as Deputy Commissioner of Endowments, on regular basis.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Commissioner of Endowments, on regular basis, by duly constituting a DPC.

Learned Additional Advocate General appearing for the respondents contended that the case of the petitioner would be considered by conducting regular DPC as and when the respondents take a decision to fill up the post of Deputy Commissioner of Endowments, on regular basis.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that this writ petition can be disposed of directing the respondents

to consider the case of the petitioner for promotion to the post of Deputy Commissioner of Endowments, on regular basis, by duly constituting a DPC.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 24.12.2019
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